

 King County	Department of Adult and Juvenile Detention Adult Divisions General Policy Manual		
	Chapter 4 Security & Use of Force		
4.03.006- Pepper Spray	Approved By:	Director Allen Nance	
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Purpose

To establish department guidelines for the use of pepper spray by uniformed staff.

Policy

It is the policy of the department that pepper spray only be used by trained staff and only used in accordance with the Use of Force policy.

References

RCW: [9A.016.020 - Use of Force - When Lawful](#)

Department Forms: [Supervisor's Incident Report \(F-523\)](#)
[Rule Infraction Report \(F-544\)](#)
[Officer's Report \(F-627\)](#)

Department Policy: [4.03.014 - Use of Force](#)

JHS Policy: J-G-01

Other: Settlement Agreement with the United States Department of Justice

Definitions

Anticipated use of force: A use of force where it is feasible for a staff member to notify a supervisor prior to the application of force. This includes any situation where a resident is contained (i.e., confined to a cell, dayroom, multi-purpose room, yard out or visiting area) and no individual is in immediate danger of injury or where escape is not imminent.

Force: Any act reasonably likely to cause physical pain or injury or any act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Force does not include pat-downs, incidental touching, verbal commands or compliant handcuffing where there is no physical pain or injury. The term "Force" includes "Deadly Force" unless explicitly stated otherwise.

Necessary: Under the totality of the circumstances, a reasonably effective alternative to the force used does not appear to exist, and the type and amount of force used is a reasonable and proportional response to achieve the lawful purpose intended or to protect against the threat posed to the staff member or others.

Passive Resistance: A conscious resident who fails to obey verbal directives but is not physically counteracting the uniform staff member's attempt to control the resident.

Reasonable: Under the totality of the circumstances, a reasonable uniformed staff member could make the same decision regarding whether to use force and how much force to use.

Totality of the Circumstances: All facts known to the staff member leading up to, and at the time of, the use of force, and includes the actions of the person against whom the staff member uses such force, and the actions of the staff member.

Non-flammable propellants: Delivery systems that will not enhance an open flame or cause a fire from a spark.

O/C pepper spray: An aerosol spray or foam containing a pepper-based oleoresin. O/C refers to oleoresin capsicum and it is classified as an inflammatory.

Use of Force Continuum: A visual model that depicts acceptable use of force responses to various levels of resistance. The department's [Use of Force Continuum - Visual Reference](#) is provided to all uniformed staff, along with training in force techniques.

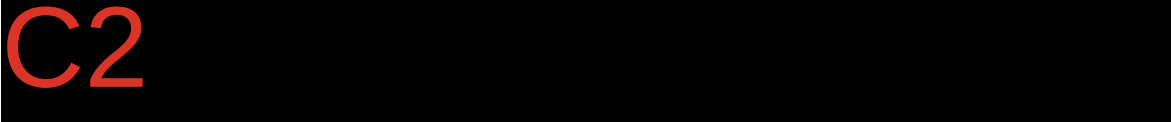
A. General Guidelines

1. The use of pepper spray is classified as a use of force. Pepper spray can be an effective way to gain control over behavior while limiting the risk of injury to staff or residents.
2. Pepper spray shall be used in accordance with the [Use of Force Continuum - Visual Reference](#) and following department policy [4.03.014 - Use of Force](#), including the requirements pertaining to: reporting, investigating & review, and Jail Health Services (JHS) response and assistance.
3. Uniformed staff should be cognizant of their surroundings before using pepper spray. Uniformed staff shall take into account the proximity of civilians and the special circumstances encountered when outside of the secured perimeter (i.e., hospitals, medical facilities, courts, etc.).
4. Uniformed staff deploying pepper spray will attempt to minimize incidental exposure to non-involved persons.
5. Uniformed staff may only use pepper spray when reasonable and necessary to:
 - a. Prevent suicide or self-injury.
 - b. Prevent escape.
 - c. Prevent harm to others.
 - d. Protect self.
 - e. Effect an arrest.
 - f. Enforce a lawful order.
6. When determining whether to use pepper spray, uniformed staff shall use generally accepted force identified in the [Use of Force Continuum - Visual Reference](#) and department-provided defensive tactics training. The force must be reasonable and necessary under the totality of the circumstances and may not fall sequentially on the continuum. Uniformed staff should choose that level of force which is reasonable and necessary under the totality of the circumstances regardless of whether that response starts at the beginning of the continuum or falls sequentially on the continuum with any preceding use of force.
7. Uniformed staff shall not use pepper spray against passive resistance.
8. Uniformed staff shall only use the reasonable amount of pepper spray needed for the purpose intended and every application has to be individually justified.
9. Uniformed staff shall not apply pepper spray as a means of punishment or retaliation, including as a response to verbal abuse alone.
10. Pepper spray should generally not be used:
 - a. On a handcuffed or waist restrained resident.
 - b. In an environment where uniformed staff reasonably believe that a flammable, volatile, or explosive material is present.

- c. In any situation where staff have a reasonable belief that the subject might fall resulting in death or serious physical injury (i.e., near stairs, elevated railing) and that risk is not justified.
11. The director or designee shall be responsible for the selection of pepper spray.
12. Uniformed staff are prohibited from using any pepper spray or other chemical agent other than that provided by the department.
13. All use of pepper spray by uniformed staff shall be immediately reported to the duty sergeant.
14. The use of pepper spray by department staff shall be documented following department policy [4.03.014 - Use of Force](#), to include the circumstances that led to the use of force and why the use of force was reasonable and necessary. The duty sergeant shall compile, complete and forward all reports to the shift commander, prior to end of their shift which will include a [Rule Infraction Report \(F-544\)](#), [Officer's Report \(F-627\)](#), [Supervisor's Incident Report \(F-523\)](#), etc.
15. If the use of pepper spray is anticipated and it is feasible to do so, the duty sergeant shall:
 - a. Notify JHS, via contact with an RN, in advance.
 - b. The RN will initiate a medical and mental health review consistent with JHS policy J-G-01.
 - c. Based on that review, JHS staff will advise with regard to any contraindications or other medical considerations relevant to the use of pepper spray.
 - d. This information shall be taken into consideration by uniformed staff in deciding whether and how to use pepper spray.

B. Requirement to Carry

1. At the Seattle and Kent Divisions, the following are required to carry pepper spray in an approved holster:

A large black rectangular redaction box covering the content of the list item. The letters "C2" are printed in red on the left side of the box.**C. Authorized to Carry**

1. Captains and higher-ranking authorities are authorized to carry and use pepper spray.

D. Training

1. Uniformed staff authorized to use pepper spray shall be trained in its use and in the treatment of individuals exposed to pepper spray.
2. Training shall be:
 - a. Provided by a qualified department instructor, outside vendor, or the manufacturer.
 - b. Approved by the Department Training and Policy Unit and shall include but is not limited to:

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3. Exposure to pepper spray during training is strictly voluntary.
4. All uniformed staff will receive annual training regarding the use of pepper spray.

E. Effects of Pepper Spray Exposure

1. General effects:
 - a. Inflammation of the eyes and mucous membranes causing involuntary closing of the eyes and uncontrollable coughing.
 - b. Impairment of breathing.
 - c. Intense burning sensation of the affected areas.
 - d. Emotional anxiety.
2. Generally, persons experiencing a direct pepper spray exposure will:
 - a. Be immediately rendered helpless through temporary blindness.
 - b. Drop whatever is in their hands.
 - c. Bend forward at the waist.
 - d. Immediately cover their faces with their hands.
3. Pepper spray effects are generally instantaneous and effective against emotionally disturbed persons, intoxicated persons and enraged persons who have reduced sensitivity to pain.
4. When considering utilizing pepper spray on a resident, the following should be considered:

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F. Decontamination Procedures

1. After the use of pepper spray, uniformed staff are responsible for ensuring that decontamination procedures are followed properly, as soon as reasonably possible, and to assure that the resident is not left in extraordinary distress.
2. Decontamination procedures as specified by the pepper spray manufacturer and departmental expectations should be followed and will include:
 - a. Instructing the resident to flush their eyes with large amounts of cool water.
 - b. Showering is recommended and should be provided when possible.
 - c. Instructing the resident to blow their nose to remove lodged pepper spray particles.
 - d. Instructing the resident to wash all exposed skin areas with soap and water.
 - e. If contacts lenses are worn, having the resident or qualified medical personnel remove them. The contacts may be contaminated and require discarding.
 - f. If possible, having the resident moved from the affected area to a location with fresh air.
 - g. Calming the resident by explaining the temporary effects of pepper spray.
 - h. Exchanging the resident's contaminated uniform.

3. Symptoms of pepper spray exposure are expected to disappear in 15 to 45 minutes. However, minor aftereffects, including redness and mild burning sensations, may last longer.
4. Salve should not be applied to the affected areas. This will trap the pepper spray particles against the skin.
5. Uniformed staff should use caution to avoid touching their hands to their faces or other body parts because, until it is washed off, pepper spray remains potent.
6. When the scene is contained and safe, uniformed staff shall offer medical attention in all cases and summon medical attention immediately if injuries are apparent or the subject complains of injury. If medical attention is refused, the refusal and the name of the responding Jail Health Services (JHS) staff member shall be documented by the Duty Sergeant.
7. Reasonable and practical efforts to decontaminate linens, clothing, buildings, and fixtures after pepper spray exposure shall be employed and may include, but are not limited to:
 - a. Opening doors and windows, if available (30 minutes of ventilation should clear airborne pepper spray).
 - b. Washing affected areas with soap and water.
 - c. Disposing of any food that has been exposed to pepper spray.
 - d. Washing any containers, linen or clothing.

G. Pepper Spray Inventory Storage and Availability

1. The Maintenance and Supply sergeants shall be responsible for:
 - a. The pepper spray inventory levels that will be maintained in each division.
 - b. Ensuring that pepper spray is accessible and secure.
 - c. Maintaining an inventory and dispersal list in the Quartermaster Program.
 - d. Ensuring that routine inspections of pepper spray canisters (those not issued to individuals) are performed for signs of erosion, leakage, dirt in the nozzle, fullness and/or damage.
 - e. Replacing pepper spray canisters that are beyond their expiration dates. Expired canisters may be used for training purposes only.
 - f. Properly disposing of empty or defective canisters.
2. Uniformed staff should avoid storing pepper spray in direct sunlight or any areas where the temperature can exceed 120 degrees Fahrenheit, such as in the trunk of a vehicle or on the dashboard of a vehicle.